

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHELE STEKELENBURG,)	CASE NO. 4:09 CV 1445
)	
Petitioner,)	JUDGE SARA LIOI
)	
v.)	
)	MEMORANDUM OPINION
SHEWALTER,)	AND ORDER
)	
Respondent.)	

On June 24, 2009, petitioner *pro se* Michele Stekelenburg filed the above-captioned petition for writ of habeas corpus under 28 U.S.C. § 2254. Stekelenburg is confined at the North East Pre-Release Center, having been convicted of several drug related offenses in 2008.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that she is in custody in violation of the Constitution, laws, or treaties of the United States. In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254.

It is evident on the face of the petition that Stekelenburg has not exhausted her state court remedies, as she currently has a post-conviction motion pending in the Ohio Court of Common Pleas, wherein she asserts the grounds set forth in the instant action. The petition is thus premature.

For the foregoing reasons, the request to proceed in forma pauperis is granted, the petition is denied and this case is dismissed without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

IT IS SO ORDERED.

Dated: August 3, 2009



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE